



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,410	04/14/2000	Nicholas G. Fazzano	05629438001	9420

7590 04/19/2002

Dike Bronstein Roberts & Cushman  
Edwards & Angell  
Intellectual Prop Practice Group  
P.O. Box 9169  
Boston, MA 02209

EXAMINER

TAYLOR, LARRY D

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 04/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<b>Application No.</b> 09/549,410	<b>Applicant(s)</b> FAZZANO, NICHOLAS G.	
	<b>Examiner</b> Larry D Taylor	<b>Art Unit</b> 2876	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
       Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
       If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
       a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
           1. ☐ Certified copies of the priority documents have been received.  
           2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
           3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
       \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
       a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Receipt of Amendment*

1. Receipt is acknowledged of the amendment filed 3 January 2002.

### *Claim Objections*

2. Claims 3 and 5 are objected to because of the following informalities:

**Claims 3 and 5, line 4 – Replace “the lottery ticket” with -- a lottery ticket --.**

Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beaty (US 5,682,819) in view of Ehrhart et al. (US 6,186,404 B1).

Beaty teaches the method of canceling a lottery ticket at a lottery terminal, the steps including: 1) altering the ticket to mark the ticket as void using a device; 2) imaging and reading the ticket within the lottery terminal; and 3) canceling a control number 14 present on the ticket in response to the terminal reading the void mark (see figures 1-3 and col. 2, line 51 – col. 3, line 27).

Beaty however fails to teach the ticket as having a reactive coating material thereon and fails to teach the specifics of the lottery terminal, the terminal containing a microprocessor,

Art Unit: 2876

memory, imaging means, and a device using a radiant energy for altering the material on the ticket.

Ehrhart teaches a lottery ticket voiding terminal, the terminal (as exemplified in figure 5-2) has a processor 534, memory, and branding device. The branding device (as also designated earlier as 404 in figure 4-1) is used to alter a reactive coating area on a lottery ticket for voiding. An area 412' on the ticket 202 may be branded upon receipt into the terminal, the alteration presenting an option that a bar code containing a control number of the ticket can be imaged after the alteration has occurred (see figure 4-7 and col. 14, line 23 – col. 15, line 43). The area on the ticket may be of light, thermal, or chemically reactive material, with the branding device as set accordingly to alter such an area. Imaging means 408 (or 522) is used to scan the ticket for the voided area and the control number on the ticket.

It would have been obvious to one of ordinary skill in the art to employ the use of a lottery terminal for thermally or chemically marking a lottery ticket. As taught by Beaty it is well known in the art to void a ticket using a printing or alteration means. Ehrhart shows that it would have been obvious to take that one step further by providing a branding device in a terminal that does such a feat, on a thermal scale. Using thermal print heads or devices are well known in the art, as they are art-recognized equivalents to simple markings of void boxes or hole-punchings. Thermally altering the ticket allows less cases of lottery fraud, as a control number may be reliably hidden after passage under the branding device, a feature shown to be more reliable than just the often inaccurate older methods of hole punching and void box marking.

### ***Conclusion***

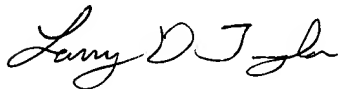
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Walker et al. (US 6,107,932).

Art Unit: 2876

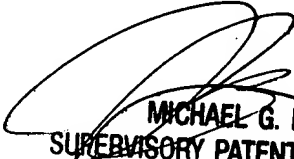
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry D Taylor whose telephone number is (703) 306-5867. The examiner can normally be reached on M-F (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-4784 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Larry D Taylor  
April 5, 2002



MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800